

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 07, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HER MAJESTY THE QUEEN IN RIGHT
OF CANADA AS REPRESENTED BY
THE MINISTER OF AGRICULTURE
AND AGRI-FOOD, a Canadian

governmental authority,

Plaintiff,

v.

VAN WELL NURSERY, INC., a
Washington Corporation, MONSON
FRUIT COMPANY, INC., a Washington
Corporation, GORDON GOODWIN, an
individual, and SALLY GOODWIN, an
individual,

Defendants.

NO. 2:20-CV-00181-SAB

**ORDER DENYING MOTION
FOR RECONSIDERATION**

Before the Court is Defendants' Motion for Reconsideration, ECF No. 457.
The motion was heard without oral argument. Plaintiff is represented by Alyssa
Orellana, Jennifer Bennett, Daniel Short, Michelle Fischer, Cary Sullivan, and
John O'Donnell. Defendant Van Well Nursery is represented by Kent Doll and

ORDER DENYING MOTION FOR RECONSIDERATION ~ 1

1 Katie Ross and Tim Billick. The Goodwin Defendants are represented by Quentin
2 Batjer and Tim Billick. Defendant Monson Fruit is represented by Mark Walters,
3 Mitchell West and Miles Yanick.

4 **Motion Standard**

5 Motions for reconsideration are generally governed by Fed R. Civ. P. 59(e)
6 (motion to alter or amend judgment) or Fed. R. Civ. P. 60(b) (motion for relief
7 from judgment). “Reconsideration is appropriate if the district court (1) is
8 presented with newly discovered evidence, (2) committed clear error or the initial
9 decision was manifestly unjust, or (3) if there is an intervening change in
10 controlling law.” *Multnomah Cty, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir.
11 1993).

12 The “purpose of summary Judgment is to pierce the pleadings and to assess
13 the proof in order to see whether there is genuine need for trial.” *Matsushita Elec.*
14 *Indus. Col., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (citation
15 omitted). A court may grant summary judgment *sua sponte* to a nonmoving party,
16 if, drawing all inferences in favor of the moving party, there are no genuine issues
17 of material fact, and the non-moving party is entitled to summary judgment as a
18 matter of law. *Gonzales v. CarMax Auto Superstores, LLC*, 840 F.3d 644, 654 (9th
19 Cir. 2016). Where, as here, Defendants moved for summary judgment, in which
20 they argued there are no genuine issues of material fact for the jury to decide and
21 asked the Court to find in their favor as a matter of law, intuitively the moving
22 party has been given reasonable notice that the sufficiency of their claim will be in
23 issue. Any other conclusion leads to absurd results.

24 In this case, in reviewing Defendants’ Motion for Summary Judgment, in
25 which Defendants argued there were *no* genuine issues of material fact regarding
26 whether Plaintiffs’ claims were timely, it became clear to the Court that no
27 reasonable jury, after hearing the evidence presented by Defendants in their motion
28 and viewing that evidence in the light most favorable to Defendants, would

1 conclude that Plaintiffs' claims were untimely.

2 To the extent the Court erred in finding that AAFC's claims were not based
3 on Monson's packing of Glory in 2014, that finding was not dispositive in the
4 Court's finding that no reasonable jury would find that AAFC could have learned
5 of the packing of Glory through reasonable diligence before May 18, 2017.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. Defendants' Motion for Reconsideration, ECF No. 457, is **DENIED**.

8 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
9 this Order and to provide copies to counsel.

10 **DATED** this 7th day of May 2025.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

16 Stanley A. Bastian
17 Chief United States District Judge
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